

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

## MOTION FOR APPROVAL OF SCHEDULING ORDER

AirOcare, Inc. (“AirOcare”), the debtor in the above-captioned Chapter 11 case (the “Chapter 11 Case”) and plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”) hereby files this Motion for Approval of Scheduling Order (the “Motion”) and in support thereof represents as follows:

1. The Adversary Proceeding was filed by AirOcare against six defendants on November 12, 2010. The six defendants are: (i) William Chambers (“Chambers”), (ii) Robert D. McDonald (“McDonald”), (iii) Jack W. Prouty (“Prouty”), (iv) Stuart N. Rutchik (“Rutchik”), (v) Terrance O. Woodbridge, (“Woodbridge”) and (vi) Ronald B. Mazie, as trustee of the Airocare Benefits Trust (“Mazie”).

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Counsel to AirOcare, Inc.

2. All six defendants have been served with a summons and copy of the complaint. Several of the defendants requested extension of time to prepare and file responsive pleadings. AirOcare consented to the various requested extensions. Answers have now been filed by all parties except Mazie.

3. The initial pre-trial conference was scheduled in this case for January 10, 2010. Due to the requested extensions of the response deadlines, several parties had not filed responsive pleadings by that date.

4. To accommodate the extended response dates, AirOcare requested that the initial pre-trial conference be rescheduled so that it would take place after the defendants had filed responsive pleadings. Based upon this request, the Court continued the scheduling conference to February 14, 2011 at 9:30 a.m. (the "Scheduling Conference")

5. AirOcare is filing this Motion so that a new scheduling order can be considered and approved by the Court at the Scheduling Conference. A copy of the scheduling order proposed by AirOcare is attached to this Motion as Exhibit A (the "Scheduling Order").

6. The Scheduling Order closely follows the form of scheduling order originally issued by the Court. The principal differences are (i) given the large number of defendants, ten depositions may be taken by any party, and (ii) the final pre-trial conference shall be held on July 12, 2011.

7. AirOcare prepared and circulated the proposed Scheduling Order to counsel for the defendants. No party other than AirOcare has proposed a discovery plan.

8. AirOcare's counsel has also conferred with counsel for all defendants as well as Chambers and Mazie, who are proceeding pro se. Certain extensions to the deadlines for

designation of experts and conclusion of discovery were suggested by counsel to McDonald.

These comments were acceptable to AirOcare and are reflected in the attached Exhibit A.

9. Counsel to AirOcare has conferred with counsel to all represented parties other than McDonald and they have consented to the Scheduling Order in the form attached as Exhibit A which incorporates McDonald's comments. AirOcare's counsel has also conferred with Chambers has also agreed to the terms of the Scheduling Order. AirOcare's counsel conferred with Mazie prior to the incorporation of McDonald's comments and he approved the then-existing form of the Scheduling Order.

WHEREFORE, AirOcare, through its counsel hereby respectfully requests that this Court enter an order approving the Scheduling Order and granting such other and further relief to which it may show itself to be entitled.

Respectfully submitted,

Dated: January 31, 2011

/s/ Lawrence A. Katz  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the forgoing Motion for Approval of Scheduling Order was served upon the persons named below by first class United States mail, postage prepaid, this 31<sup>st</sup> day of January, 2011.

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/s/ Kristen E. Burgers  
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